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PATENT

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05.23-05

Date

Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Robert Alan Cochran
Serial No. 09/678,168
Filed: October 02, 2000
For: Method and System for Throttling I/O Request Servicing on Behalf of an I/O Request Generator to Prevent Monopolization of a Storage Device by the I/O Request Generator

Examiner: Akiba K.R. Boyce
Group Art Unit: 3623
Docket No. 10992806-1
Date: May 23, 2005

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

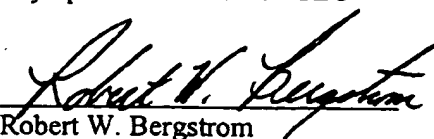
REQUEST FOR REINSTATEMENT OF THE APPEAL UNDER 37 CFR § 1.193(2)(ii)

Sir,

06/02/2005 SHORELAN 00000002 082025 09678168
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In response to the Appeal Brief filed November 30, 2004 and the subsequent Office Action dated February 22, 2005, Applicant respectfully requests the reinstatement of the appeal. Accompanying this Request is a Supplemental Appeal Brief in triplicate.

Applicant believes that no fee is required. However, at any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 08-2025. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,
Robert Alan Cochran
Olympic Patent Works PLLC


Robert W. Bergstrom
Registration No. 39,906

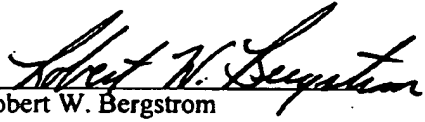
Enclosures:
Postcards (2)
Transmittal in duplicate
Supplemental Appeal Brief

CONCLUSION

The Examiner's new 35 U.S.C. § 112, second paragraph, rejection of claim 1 is unfounded. The newly cited reference, Freeland, is essentially unrelated to the currently claimed invention, and does not, alone or in combination with previously cited references, advance the Examiner's rejection of claims 1, 3-8, 10, and 12-17. Appellant appreciates the Examiner's conditional allowance of claims 2, 9, 11, and 18-20, but continues to maintain patentability of the currently claimed invention over any combination of the cited references. For this reason, Appellant respectfully requests that the Appeal of the Examiner's rejections in the Office Action mailed on April 05, 2004, finally rejecting claims 1-20, be maintained.

Applicant respectfully submits that all statutory requirements are met and that the present application is allowable over all the references of record. Therefore, Applicant respectfully requests that the present application be passed to issue.

Respectfully submitted,
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By 
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